

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF GEORGIA
WAYCROSS DIVISION

IN RE:)	CHAPTER 12
)	CASE NO. 97-50002
CHARLES M. HARPER,)	
)	
DEBTOR)	

ORDER

A motion has been filed in this case pursuant to FRBP 2004 proposing an examination as follows:

MOVANT: United Banking Company
ENTITY: Charles M. Harper
PLACE: Offices of Moore & Studstill, P.C.
110 North Dogwood Drive
Nashville, GA 31639
DATE: March 19, 1997
TIME: 1:00 p.m.

It is to be expected that any movant seeking to conduct such an examination should consult with the entity to be examined to try to arrange a reasonable time, date and place for the examination, and, further, that the examination should proceed on a voluntary basis without the necessity for the entry of an order.

The rule provides that the Court may order the examination of any entity. Such an order may be required if an examination cannot be conducted by consent. This Order has been entered ex parte in response to the Motion and is therefore limited to the terms and conditions set out hereafter.

Now, therefore, it is hereby

ORDERED that the entity named above shall submit to an examination at the time, date and place specified above, to be examined by the entity specified above, or its representative; and it is hereby further

ORDERED that, in the event the entity named above is required to appear for examination within ten (10) days of the date of the entry of this order, that any such appearance shall not be compelled by the terms of this Order but shall, instead, be made, if at all, on a voluntary basis by such entity; and it is hereby further

ORDERED that the examination shall not exceed the scope as specified in FRBP 2004(b); and it is hereby further

ORDERED that the entity named above may file a written objection to the Motion for Examination and this Order, whereupon, the provisions of this Order shall be immediately suspended until a hearing on the objection can be held; and it is hereby further

ORDERED that, in addition to any other objection allowed by law, an entity may file such an objection on the grounds that the Movant failed to reasonably consult with the entity to be examined as to a convenient time, day and place for the examination and that the above specified time, day and place is a substantial imposition on such entity; and it is hereby further

ORDERED that any objection filed pursuant to the provisions of this Order must be filed with the Clerk of the Bankruptcy Court and served on Movant within ten (10) days of the entry of this order; and it is hereby further

ORDERED that terms of this Order do not serve to compel the attendance of an entity, other than the Debtor in this case, or the production of documentary evidence, if such attendance or production may only be compelled by subpoena in the manner provided in FRBP 9016.

SO ORDERED, this 7th of March, 1997.

James D. Walker, Jr.
United States Bankruptcy Judge

CERTIFICATE OF SERVICE

I, Cheryl L. Spilman, certify that the attached and foregoing have been served on the following:

David A. Garland
P. O. Drawer 71727
Albany, GA 31708-1727

Andrew A. Taylor
Attorney At Law
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Saint Marys, GA 31558-8531

A. Stephenson Wallace
Chapter 12 Trustee
P. O. Box 14308
Augusta, GA 30919

This _____ day of March, 1997.

Cheryl L. Spilman
Deputy Clerk
United States Bankruptcy Court